

City Council Building  
Chattanooga, Tennessee  
October 7, 2003  
6:00 p.m.

Chairman Franklin called the meeting of the Chattanooga Council to order with Councilmen Benson, Hakeem, Lively, Page, Pierce, Robinson and Taylor present; Councilman Littlefield was absent due to personal commitment. City Attorney Randall Nelson, Management Analyst Randy Burns and Council Clerk Carol O'Neal, CMC, were also present.

**PLEDGE OF ALLEGIANCE/INVOCATION**

Following the Pledge of Allegiance, Councilman Page gave invocation.

**MINUTE APPROVAL**

On motion of Councilman Lively, seconded by Councilwoman Robinson, the minutes of the previous meeting were approved as published and signed in open meeting.

**SPECIAL PRESENTATION: REV. J. LOYD EDWARDS, JR.**

Chairman Franklin recognized Rev. J. Loyd Edwards, Jr. on the occasion of his fortieth anniversary as pastor of the Cosmopolitan Community Church, his sixty years in the ministry and his eightieth birthday. He stated that Rev. Edwards had served the community for more years than he (Franklin) has been living and was honored last weekend for his distinguished service to Chattanooga. He stated several of his colleagues had the privilege of working with his offspring in many endeavors. He presented Rev. Edwards with a Certificate of Appreciation, a decorative plate with the City's Seal affixed and other tokens.

**SPECIAL PRESENTATION: REV. J. LOYD EDWARDS,  
JR. (Continued)**

Rev. Edwards thanked the Council for recognizing him for the things he has done and shared the statement, "When you see a turtle on a pole it did not get there by itself!" He stated if he has done anything worthwhile he has not done it alone, indicating that he has enjoyed the support of many of this City. He again expressed thanks to the Council for honoring him.

Councilman Benson expressed appreciation to Rev. Edwards and agreed with the statement quoted about not doing anything alone. He stated Rev. Edwards has served this City and community well and indicated that his wife was one of the best teachers the school system ever had at Brainerd Junior High School. He stated there is probably 110 years of service between the two of them!

Councilman Hakeem also expressed thanks to Mrs. Edwards who helped shape and mold children under her teaching at Brainerd Junior High. He stated Rev. Edwards has been a true friend; that he is a friend not only in good times but hard times, as well, and thanked him for being consistent.

Councilman Pierce stated that he had never been locked up before other than one time, which happened to be in Rev. Edwards' church during the early sixties during the civil rights movement. He stated there was a demonstration and everyone gathered at the Cosmopolitan Church. He stated that he looked up at the Third Street viaduct lined with officers and troopers, who locked everyone in the Church and released them two at a time. He expressed appreciation to Rev. Edwards for he has done for the community through the years. He stated that he could look back and say, "Those were the good ole days!"

Councilman Taylor joined in and expressed hope that God would continue to bless Rev. Edwards. He stated that his (Taylor's) father is a minister and he knows the different challenges people go through. He stated Rev. Edwards might be eighty, but, as Jesus turned the water to wine, this wine is better than the first! He stated the best is yet to come; that it is Rev. Edwards' time and he deserves it!

**REAPPORTIONMENT OF COUNCIL DISTRICTS**

Councilman Pierce asked that this matter be deferred one week. He stated the Council has come to a complete agreement on the redistricting, however there are some things that have happened with the Election Commission that should be worked out over the course of the next week.

**REAPPORTIONMENT OF COUNCIL DISTRICTS**  
**(Continued)**

On motion of Councilman Pierce, seconded by Councilman Lively,  
**AN ORDINANCE REAPPORTIONING THE NINE (9) DISTRICTS FOR CITY COUNCIL**  
was deferred one week.

**AMEND CITY CODE**

Councilman Benson stated this matter was heard in today's Public Works Committee and is recommended for approval.

On motion of Councilman Pierce, seconded by Councilwoman Robinson,  
**AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 31, ARTICLE VIII, DIVISION 8, SECTION 31-321, RELATIVE TO THE REGULATION OF LAND DISTURBING ACTIVITY**  
passed first reading.

**SPECIAL POLICEMAN**

On motion of Councilman Lively, seconded by Councilwoman Robinson,  
**A RESOLUTION AUTHORIZING THE APPOINTMENT OF IVAN ALLEN AS SPECIAL POLICEMAN (ARMED) FOR ERLANGER HEALTH SYSTEMS TO DO SPECIAL DUTY AS PRESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS**  
was adopted.

**CONTRACT: EASTMAN CONSTRUCTION COMPANY**

Councilwoman Robinson stated this matter was discussed before the Parks and Recreation Committee and a approval is recommended.

On motion of Councilman Taylor, seconded by Councilwoman Robinson  
**A RESOLUTION AUTHORIZING THE ADMINISTRATOR OF THE DEPARTMENT OF PARKS, RECREATION, ARTS AND CULTURE TO EXECUTE A CONTRACT WITH EASTMAN CONSTRUCTION COMPANY, RELATIVE TO RENOVATION OF THE EAST LAKE RECREATION CENTER, IN AN AMOUNT NOT TO EXCEED TWO HUNDRED FORTY THOUSAND THREE HUNDRED DOLLARS (\$240,300.00) WITH SAID AMOUNT INCLUDING A CONTINGENCY FEE OF FIVE THOUSAND DOLLARS (\$5,000.00)**  
was adopted.

### MORATORIUM

On motion of Councilman Hakeem, seconded by Councilwoman Robinson,  
**A RESOLUTION DECLARING A SIXTY (60) DAY MORATORIUM ON  
APPROVAL OF NEW SUBDIVISION PLATS THAT INCLUDE FLAG LOTS**  
was adopted.

### OVERTIME

Overtime for the weeks ending September 26, 2003 (\$16,596.42) and October 3, 2003 (\$62,148.89) totaled \$78, 745.31.

### PERSONNEL

The following personnel matters were reported for the following departments:

#### **PUBLIC WORKS DEPARTMENT:**

- ✍ **TERRY W. CAGLE** – Resignation, Equipment Operator, Citywide Services, effective September 19, 2003.
- ✍ **RICHARD JONES** – Family Medical Leave, Crew Supervisor, Citywide Services, effective September 24-December 17, 2003.
- ✍ **CYNTHIA STALLION** – Dismissal, Crew Worker, Citywide Services, effective September 22, 2003.
- ✍ **JACKIE W. MCCRARY, JR.** – Hire, General Supervisor, Sr., Waste Resources, Pay Grade 16/Step 1, \$32,373.00 annually, effective September 19, 2003.
- ✍ **JAMES L. BANKS** – Promotion, Operator Principal, Waste Resources, Pay Grade 16/Step 8, \$44,147.00. annually, effective September 3, 2003.
- ✍ **LOWELL F. MCGAHA** – Promotion, Chief Plant Operator, Waste Resources, Pay Grade 16/Step 8, \$44,157.00 annually, effective September 3, 2003.
- ✍ **TROY E. SNYDER** – Resignation, Plant Maintenance Mech., Waste Resources, effective September 18, 2003.
- ✍ **STEPHEN E. HARRELSON** – Resignation, Crew Supervisor, Citywide Services, effective October 1, 2003.

**PERSONNEL (Continued)**

- ✍ **BENJAMIN T. COX, THOMAS A. SMITH** – Hire, Crew Worker, Citywide Services, Pay Grade 3/Step 1, \$18,673.00 annually, effective October 1, 2003.

**CHATTANOOGA FIRE DEPARTMENT:**

- ✍ **WILLIAM C. FRYAR, WILLIAM COMMINS, SCOTT SPARKS** – promotion, Lieutenant, Pay Grade F3/Step 4, \$35,258.00 annually, effective October 3, 2003.
- ✍ **JOHN R. TAYLOR** – Promotion, Captain, Pay Grade F4/Step 5, \$42,641.00 annually, effective October 3, 2003.
- ✍ **WILLIAM DAUTRICH, DAVID POWELL** – Promotion, Captain, Pay Grade F4/Step 8, \$47,903.00 annually, effective October 3, 2003.
- ✍ **ROY BARBER** – Retirement, Captain, effective October 3, 2003.

*Chief Coppinger acknowledged the retirement of Captain Roy Barber after 28 years of dedicated service to the Department and the city of Chattanooga.*

**CHATTANOOGA POLICE DEPARTMENT:**

- ✍ **CHRISTOPHER GAYNOR** – Discharged, Police Officer, effective September 22, 2003.
- ✍ **CHERYL A. PAUL** – Hire, Police Records Clerk, Sr., Pay Grade 5/Step 1, \$19,234.00 annually, effective September 23, 2003.
- ✍ **VINCENT ANTHONY WATKINS** – Return from Military Duty, Police Officer, effective September 26, 2003.
- ✍ **PAT SHACKLEFORD-GRAY** – Promotion, Lead Police Records Clerk, Pay Grade 9/Step 10, \$35,521.00 annually, effective October 3, 2003.
- ✍ **CLINT BAILEY** – Suspension (15 days without pay), Police Officer, effective September 29 – October 17, 2003.

**PERSONNEL (Continued)**

**CHATTANOOGA HUMAN SERVICES DEPARTMENT:**

✍ **JUANITA HUMPHREY** – Resignation, Nurse, effective September 12, 2003.

**PARKS, RECREATION, ARTS AND CULTURE DEPARTMENT:**

✍ **ROBERT COOK** – Termination, Ranger, Riverpark, effective September 26, 2003.

✍ **ROBERT COREY** – Voluntary Demotion, Crew Worker, Riverpark, Pay Grade 3/Step 11, \$25,823.00 annually, effective September 29, 2003.

✍ **GEORGE COOPER** – Promotion, Crew worker, Sr., Landscape, Pay Grade 5/Step 7, \$25,034.00 annually, effective September 24, 2003.

✍ **JAMES B. MOULDER** – Promotion, Crew Worker, Sr., Landscape, Pay Grade 5/Step 1, \$19,234.00 annually, effective September 24, 2003.

✍ **PATRICIA JOHNSON** – Hire, Office Assistant, Sr., Facilities, Pay Grade 5/Step 1, \$19,234.00 annually, effective October 3, 2003.

✍ **JEFFERSON SANDERS** – Termination, Crew Worker, Riverpark, effective October 2, 2003.

✍ **OLIVIA MITCHELL** – Termination, Crew Worker, Riverpark, effective October 7, 2003.

**PURCHASES**

On motion of Councilman Pierce, seconded by Councilman Lively, the following purchases were approved for use by the Public Works Department:

**CALABRIAN CORPORATION (Lowest and best bid)**  
**R0068417/B0000916**

Liquid Sodium Bisulfite Requirements Contract

**(Price information available and filed with minute material of this date)**

**PURCHASES (Continued)**

**BROOKER FORD (Lowest and best bid meeting specifications)**  
**R0069833/B0000911**

Pick-up Truck

\$18,677.82

**RAMSEY TRUCKING, VULCAN MATERIALS (Lowest and best bids meeting specifications)**  
**R0070138/B0000960**

River Sand Requirements Contract

(Price information available and filed with minute material of this date)

**MID TENN TURF AND CHARLES WILLIAMS & ASSOCIATES (Lowest and best bids meeting specifications)**  
**R0070136/B0000962**

Sod Requirements Contract

(Price information available and filed with minute material of this date)

**TOTER, INC. (Lowest and best bid)**  
**R0070201/B0000968**

Rollout Waste Containers Requirements contract

\$35,750.00

**CAPITAL WHOLESALE FENCE (Only bid)**  
**R0068378/B0000917**

Fencing Materials

(Price information available and filed with minute material of this date)

### HOTEL PERMIT

On motion of Councilman Lively, seconded by Councilman Taylor, the following hotel permit was approved:

**SLEEP INN & SUITES** – 3117 Parker Lane, Chattanooga, TN

### REFUND

On motion of Councilman Hakeem, seconded by Councilman Pierce, the Administrator of Finance was authorized to issue the following refund for 2002 taxes:

**OLAN MILLS, INC.** – Per amended report from TMA Audit, \$1,081.93.

### BOARD APPOINTMENTS

On motion of Councilman Taylor, seconded by Councilman Pierce, the following Board appointments/re-appointments were approved:

#### **GENERAL PENSION BOARD:**

- ✍ Re-appointment of **CORRINE ALLEN** for a term ending June 9, 2008
- ✍ Appointment of **CAROLYNE BEATY** for a term ending June 9, 2008

#### **VARIANCE AND SPECIAL PERMITS BOARD:**

- ✍ Re-appointment of **DEBRA STINETT**, representing District 6, for a term ending June 23, 2004.
- ✍ Re-appointment of **JAMES WILSON**, representing District 3, for a term ending October 1, 2006.

#### **SIGN APPEALS BOARD:**

- ✍ Appointment of **ROBERT CRATES**, representing District 2, for a term ending July 31, 2006.



#### **BOARD APPOINTMENTS (Continued)**

- ✍ Appointment of **MALCOLM WALKER**, representing District 5, for a term ending July 31, 2006.

On motion of Councilman Hakeem, seconded by Councilman Page, the following re-appointment was approved:

#### **BEER BOARD:**

- ✍ Re-appointment of **MARSHEL LUSK**, representing District 5, for a term ending July 31, 2006.

#### **GENERAL PENSION BOARD OF TRUSTEES**

Admin. Eichenthal stated that the Mayor asked that he communicate to the Council that pursuant to provision of State law he has designated Daisy Madison to sit as his designee in his capacity as ex-officio of the General Pension Board of Trustees.

#### **HEARING: ANTHONY CHATMAN**

City Attorney Nelson stated a request for hearing from Anthony W. Chatman was received appealing his termination as a police officer.

**A hearing was scheduled for Mr. Chatman for Monday, November 3 beginning at 3 p.m. with Councilmen Page, Franklin and Littlefield serving as the panel; Councilman Benson will serve as alternate.**

#### **HEARING: CHRISTOPHER GAYNOR**

City Attorney Nelson stated a request for hearing from Christopher Gaynor was received appealing his termination as a police officer. He stated Police Department Attorney Shelley Parker and Mr. Gaynor's attorney have agreed on the date of January 26, 2004 for the hearing. He stated Atty. Parker has notified him that he does not think a hearing is necessary because Mr. Gaynor's probationary period was extended six months. He stated that it is his (Nelson's) thought it would be better left to the panel hearing the case and their attorney to decide and argue it out.

#### **HEARING: CHRISTOPHER GAYNOR (Continued)**

Councilman Benson suggested that the Council as a whole sit on this one, if possible. Councilman Hakeem indicated that this has been done before. Councilman Benson stated something of this magnitude should have the entire Council in on it.

**On motion of Councilman Benson, seconded by Councilman Hakeem, approval was given for the Council to sit as the panel hearing this request.**

Councilman Pierce stated he is not trying to "dodge the bullet", but that a number of cases of policemen who have been fired come before the POST Commission of which he is a member. He stated although this person was terminated, he has lost his privileges as an officer, however, when it comes before the POST Commission this will "kill" him from being certified to go anywhere to work for any other police department.

City Attorney Nelson added, "within the State of Tennessee".

Councilman Pierce stated other states will refer back to this; that he would have to recuse himself from this hearing, yet, he does not have a problem sitting in on officers who have a misdemeanor offense. He stated where there is a major issue he would have to recuse himself.

Councilman Benson stated the entire Council is invited to attend if something else does not prevent them from serving; that it is understood that at least three would have to sit in judgment.

**A hearing was scheduled for Mr. Gaynor for Monday, January 26, 2004 beginning at 3 p.m. with the entire Council hearing the appeal.**

City Attorney Nelson stated that there might be preliminary matters the Council may need to set as it is the contention of the police department that Mr. Gaynor's probation was extended and may not be entitled to a hearing at all.

#### **RESULTS OF HEARING FOR IRAN MEADOW**

Councilman Benson stated he and Councilmen Lively and Robinson sat in on the hearing from 3 – 7 p.m. and did not sustain the action of the Police Chief. He stated the Police Chief's action recommended termination and the Committee unanimously modified it to a recommendation of twenty-eight (28) days without pay, one-year probation and an additional week as Mr. Meadow had management responsibilities that he was negligent in.

**RESULTS OF HEARING FOR IRAN MEADOW**  
**(Continued)**

Councilman Lively clarified that the recommendation was actually twenty-one (21) days without pay and an additional seven (7) days.

Councilman Benson stated the officer had twelve years of unblemished service, which was strongly taken into consideration. He stated there was doubt in the minds of Councilpersons about his part in the role.

**COMMITTEES**

Councilman Hakeem scheduled a meeting of the **Public Works Committee for Tuesday, October 14 at 4 p.m.**

Councilman Page stated the **Economic Development Committee** met today and received a report from the Chattanooga Chamber regarding business development in the Chattanooga area. He stated the Committee **is scheduled to meet on Tuesday, October 14 immediately following the Public Works Committee** for an update on migration trends.

Councilman Pierce stated the **Redistricting Committee would meet jointly with the Legal and Legislative Committee on Tuesday, October 14 at 3 p.m.** He stated there is an issue with the Election Commission in regard to the formation of districts and there is a need to have the matter in Committee prior to voting.

Councilman Hakeem asked if there would be invitees to the meeting.

Councilman Pierce stated a personal invitation would be extended to the Election Commission, along with Fran Dzik and all others concerned. He stated Senator Crutchfield would be invited, as well as Representative Tommie Brown.

**SHIRLEY DEAKINS**

Shirley Deakins asked the Council to please consider taking back their power individually and collectively as sworn, elected representatives of the people since it appears there is trouble with the Election Commission; that it seems the TBI cannot come to a good conclusion. She stated people have been deprived of the ability to feel they could vote and there is now the debacle of who is "running" Chattanooga; that it seems absolutely official that non-elected officials from downtown are running everything! She stated this is an egregious problem; that there should still be some semblance of the Bill of Rights or the Constitution, although they are ragged and torn.

### **SHIRLEY DEAKINS (Continued)**

Ms. Deakins again asked the Council to please consider taking back their power from "whoever grabbed it"; whether it is RiverCity, Chattanooga Land Company, RiverValley – whoever is "pulling the chain"! She stated citizens need the Council's ear, heart, mind and actions.

Ms. Deakins stated that she would also like to ask that the Council seriously consider giving block grants back to the Department of Human Services to do the work CNE does not do. She stated the "trigger of the gun" is not present and did not cause these problems; that the gun is in someone's hand and it is pointed at her! She stated last week she showed her representative verification of what she has alleged; that many will find where CNE is concerned that more and more citizens are very unhappy over a number of things. She stated she is one woman that will tell the Council she is not afraid; that "freedom is just another word for something left to lose". She stated she has been very hurt, disappointed and disillusioned at the lack a representative republic; that she never thought it would be a democracy. She stated one of these days there would be enough people like Rev. Edwards who might have to lock everyone inside his church to protect us from the vultures. She stated something has to change.

Ms. Deakins concluded her comments by stating someone needs to look at how a little five-year old boy got sent somewhere and was murdered the minute he got there. She stated some judge made a terrible misjudgment; that the papers must be allowed to tell the citizens of this town the truth. She stated if you cannot protect citizens, animals, old and poor people, there is not much to "rag about" to get anybody to come here.

### **SISTER BEY**

Sister Bey introduced Beverly Clark and stated that she wants Neighborhood Services closed altogether and that she was tired of "playing" as they are tearing down people's homes. She stated Ms. Clark has to pay \$1,100 for something she does not know about and has not been told anything; that they are trying to seize her property. She stated she pays taxes and is waiting to hear from Senators Frist and Alexander; that she has been to the Attorney General and the only reason she is not in attendance at the General Assembly is because she is having trouble with her eyes. She stated she is tired of seeing "her people" pushed around and if the Council wants a "blood bath" it is all right with her.

### **BEVERLY CLARK**

Beverly Clark stated she is not aware of things going on around in her community. She stated that her mother left her some property and a bulldozer was brought in to tear the house down; that no one sent her any type of paper or anything or showed where taxes were owed as to what she was supposed to do. She stated Sister Bey helped her out; that a man asked her to pay \$125 to have the bulldozer moved off the property today and she did not pay it, stating that she told the person she would pray about it and leave it alone. She stated that she was told she could get an injunction, yet was told she could not unless there was a charity. She stated she wants this to stop and wondered how people could take things away from you.

Councilman Pierce inquired as to who owned the property. Ms. Clark responded that her deceased mother owned the property.

Councilman Pierce asked how long her mother had been deceased.

Ms. Clark responded that her mother had been deceased two years; that she went through CNE to pay back money and did not know she owed back taxes. She stated the City was there to tear the house down today and no papers were sent or anything. She stated Sister Bey called her to let her know what was going on.

Councilman Pierce asked Ms. Clark if she was aware back taxes were owed.

Ms. Clark stated that she found out today; that she has been paying through HUD; that there was a loan on the house and she was paying the money back through them. She stated no paper was given her that showed the house had been sold away from her; that the property was taken.

Councilman Pierce asked Admin. Curry how the matter got to this point.

Admin. Curry stated that he was not sure; that this is a complex issue. He stated in normal fashion the Department notifies the owner of record and that is the lien holder or mortgage holder. He stated once they are identified they are notified first and the matter goes through the court system with proper notification and public process before proceeding with demolition. He stated there appears to be some disconnect between who owned the property and when, reiterating that they do a full title search before issuing a letter to proceed with demolition. He stated they issue a title search to make sure they have made last minute contact with the current property owner of record. He stated he would question Ms. Clark to find out how long she owned the property and that type of thing.

**BEVERLY CLARK (Continued)**

Councilman Pierce stated the house is actually in the position of being demolished and asked if it had deteriorated to that point.

Admin. Curry stated he was not sure about the property; that he would need to get an address to see what is going on; that he could not answer at this point.

Councilman Pierce stated this is why he did not like doing away with the Better Housing Commission; that this might have real substance and then there may not be.

Admin. Curry stated there is a very secure and customer appeals process for any person cited to court; that they can appeal to the Tennessee State Supreme Court and beyond to stop a demolition. He stated they often times carry the procedure beyond sixty (60) and ninety (90) days before enacting a demolition to give a significant amount of time; that they never act hastily in terms of not giving the property owner sufficient time to do the right thing.

Councilman Pierce acknowledged that he was sure that the Neighborhood Services Department does that.

**GREG LUCAS**

Greg Lucas of 4213 Tennessee Avenue in St. Elmo stated that he wanted to bring to the Council's attention a matter involving the old St. Elmo Center. He stated there is controversy in the neighborhood regarding its use; that a plan has been put forward and is going through a process of what will be the ultimate use. He stated the plan that seems to be in the lead is to leave the old building to a religious group, which is something that would not be beneficial to residents of the neighborhood as a lot of the residents are not for this plan. He stated a lot of uses this group proposes are already readily available in the neighborhood and is not something that is really needed. He stated the funding is questionable and on the other side the Recreate 2008 Plan recommends this area be made into a park space; that the RPA community Plan recommended that this site become a park space; that the St. Elmo Improvement League endorsed this as park space and Jerry Mitchell stated his Department is behind it being made as a park space.

**GREG LUCAS (Continued)**

Mr. Lucas stated this space is the last major green space area available in St. Elmo for a park; that right now the only other green space in St. Elmo fronts Ochs Highway and is not appropriate for children to play due to the traffic. He stated park space would encourage new families to move into St. Elmo, which would increase the tax base and improve the quality of life for residents of St. Elmo. He asked the City Council to make sure the City's recommended plan moves forward with a park not just for St. Elmo but something the entire City can be proud of.

**COUNTY COMMISSIONER WILLIAM COTTON**

Chairman Franklin recognized the presence of County Commissioner William Cotton.

**ADJOURNMENT**

Chairman Franklin adjourned the meeting of the Chattanooga Council until Tuesday, October 14, 2003 at 6:00 p.m.

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**CHAIRMAN**

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**CLERK OF COUNCIL**

**(A LIST OF NAMES OF PERSONS IN ATTENDANCE  
IS FILED WITH MINUTE MATERIAL OF THIS DATE)**